

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PARIS JEAN HUMBLE,

Plaintiff,

v.

MATTHEW ROBERSON et al.,

Defendants.

CASE NO. 3:23-cv-05265-DGE

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Theresa L. Fricke, United States Magistrate Judge. (Dkt. No. 4.)

Plaintiff filed an application to proceed in forma pauperis (Dkt. No. 1) and a proposed complaint (Dkt. No. 1-1) on March 30, 2023. In her complaint, Plaintiff alleges Defendants violated her Fifth Amendment rights. (Dkt. No. 1-1 at 6.) Plaintiff named four Defendants – Prosecutors Matthew Robinson and Mark Nichols, Clallam County Superior Court Judge Brent Basden, and Clallam County Superior Court Clerk Nikki Botnen. (*Id.* at 2–3.) Plaintiff alleged Defendants imprisoned her against her will three times without due process when she was

1 charged with attempted theft in the first degree and offering false instrument for filing or record.
2 (*Id.* at 6, 18.) Plaintiff's complaint sought an order from this Court to restrain Defendants from
3 attacking her "person, property and money," for 90 days or more so that she can "stabilize her
4 life and exhaust her remedies of this matter." (*Id.* at 7.) Plaintiff claimed she needed time for
5 "due diligence and discovery" because she was waiting to receive reports from the Internal
6 Revenue Service and Securities and Exchange Commission. (*Id.*) On the same day, Plaintiff
7 filed a motion for a preliminary injunction. (Dkt. No. 2.)

8 On April 13, 2023, Judge Fricke issued an order to show cause after reviewing and
9 screening Plaintiff's complaint under 28 U.S.C. §1915. (Dkt. No. 3.) Judge Fricke found
10 Plaintiff failed to state a viable claim under Section 1983. Judge Fricke found Defendants, as
11 prosecutors, judges, and court clerks, were entitled to absolute immunity. (*Id.* at 4–5.) Judge
12 Fricke also found Plaintiff had failed to state a set of facts that would support her constitutional
13 claims. (*Id.* at 5–6.) Judge Fricke declined to serve Plaintiff's proposed complaint but provided
14 Plaintiff leave to file an amended complaint by April 24, 2023 to cure the deficiencies identified
15 in the order. (*Id.* at 6–7.) Plaintiff did not amend her complaint or otherwise respond to the
16 order to show cause.

17 On April 28, 2023, Judge Fricke issued an R&R recommending the Court deny Plaintiff's
18 in forma pauperis application and dismiss her action without prejudice for failure to prosecute.
19 (Dkt. No. 4.) Plaintiff did not object to the R&R.

20 The Court, having reviewed the Report and Recommendation of Magistrate Theresa L.
21 Fricke, objections to the Report and Recommendation, if any, and the remaining record, does
22 hereby find and ORDER:

23 (1) The Court ADOPTS the Report and Recommendation (Dkt. No. 4);
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1 (2) Plaintiff's application to proceed in forma pauperis (Dkt. 1) is DENIED. Plaintiff's
2 action is DISMISSED without prejudice for failure to prosecute.

3 (3) Plaintiff's motion for a preliminary injunction (Dkt. No. 2) is DENIED as moot.

4 (4) The Clerk is directed to send a copy of this Order to Plaintiff.

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7 Dated this 25th day of May, 2023.

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David G. Estudillo
United States District Judge